

AMENDED IN SENATE JUNE 8, 1998  
AMENDED IN ASSEMBLY APRIL 9, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1396**

**Introduced by Assembly Member ~~Bustamante~~ Alquist**

February 28, 1997

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~~An act to add Chapter 15 (commencing with Section 18996) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to welfare reform.— An act to add Section 7110 to the Public Contract Code, and to amend Section 11478.5 of the Welfare and Institutions Code, relating to child support.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1396, as amended, ~~Bustamante~~ Alquist. ~~Welfare reform: food commodity programs~~ Child support: state agencies: contracts.

*Existing law prescribes requirements for contracts between private parties and public entities, as defined. Existing law also provides that, when a support order is entered, the court shall enter an earnings assignment order that orders the employer of the support obligor to pay to the obligee a portion of the obligor's earnings.*

*This bill would require all written contracts with state agencies to contain (1) an acknowledgment by the contractor of the policy of the state regarding the importance of child and family support obligations, (2) an acknowledgement by the contractor that it is complying with all earnings assignment*

orders and is providing the names of all new employees to the New Hire Registry maintained by the Employment Development Department, and (3) an agreement by the contractor to make its payroll records available for quarterly review by designated agencies to monitor and enforce support obligations. This bill would also limit the liability of any contractor for disclosure of employee information pursuant to those requirements.

Existing law requires all agencies of the state, or any of its political subdivisions, to provide assistance and data to enable the State Department of Social Services, the Department of Justice, and other agencies to locate parents, spouses, and others and to, among other things, enforce liability for child or spousal support.

This bill would specify that all agencies of the state, or any of its political subdivisions, are required to provide that data with respect to their employees, licensees, contractors, and vendors, and that the data shall be used also by the Franchise Tax Board for child support enforcement.

The bill contains related legislative findings and declarations and states that the act shall be known as the Child Support Compliance Act of 1998.

Because this bill would impose new requirements with respect to contracts by local agencies, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing federal law provides for various food commodities programs, and the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 revised those programs and requires the United States Secretary of Food~~

~~and Agriculture to encourage each state receiving commodities under the federal programs to establish a state advisory board.~~

~~This bill would establish the Emergency Food Assistance Program (EFAP) Advisory Board, consisting of 18 members, appointed as provided. The bill would require the board to annually approve and review the state EFAP plan.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. The Legislature finds and declares that~~

2 *SECTION 1. This act shall be known as the Child*  
3 *Support Compliance Act of 1998.*

4 *SEC. 2. The Legislature finds and declares:*

5 *(a) In this state, more than 3,000,000 children do not*  
6 *receive the child support payments to which they are*  
7 *entitled.*

8 *(b) Only 14 percent of eligible children receive child*  
9 *support payments, which is six percentage points below*  
10 *the national average.*

11 *(c) The average California family's collection of child*  
12 *support is only three hundred sixty-two dollars (\$362) per*  
13 *month, which is approximately 35 percent below the*  
14 *national average of five hundred sixty-five dollars (\$565)*  
15 *per month.*

16 *(d) California spends one dollar (\$1) in administrative*  
17 *costs for every two dollars and seventeen cents (\$2.17)*  
18 *collected in child support payments.*

19 *(e) Nonpayment of child support is the leading cause*  
20 *of both childhood poverty and welfare dependency in the*  
21 *United States. The many thousands of dollars of unpaid*  
22 *child support are an enormous social problem that*  
23 *threatens the welfare of children and increases the*  
24 *burden on state taxpayers to provide social services for*  
25 *these children.*

26 *(f) It is the policy of this state that anyone who benefits*  
27 *financially from or through the state shall be in*

1 compliance with his or her court-ordered child support  
2 obligations.

3 SEC. 3. Section 7110 is added to the Public Contract  
4 Code, to read:

5 7110. (a) It is the policy of this state that anyone who  
6 enters into a contract with a state agency shall recognize  
7 the importance of child and family support obligations  
8 and shall fully comply with all applicable state and federal  
9 laws relating to child and family support enforcement,  
10 including, but not limited to, disclosure of information  
11 and compliance with earnings assignment orders, as  
12 provided in Chapter 8 (commencing with Section 5200)  
13 of Part 5 of Division 9 of the Family Code.

14 (b) Every written contract executed between a  
15 contractor and a state agency shall contain the following:

16 (1) An acknowledgment by the contractor of the  
17 policy of the state set forth in subdivision (a).

18 (2) An acknowledgment by the contractor that it is  
19 fully complying with the earnings assignment orders of all  
20 employees and is providing the names of all new  
21 employees to the New Hire Registry maintained by the  
22 Employment Development Department.

23 (c) Every written contract executed between a  
24 contractor and a state agency, as provided in Part 2  
25 (commencing with Section 10100), shall contain an  
26 agreement by the contractor to make its payroll records  
27 available for review once per state fiscal quarter, upon  
28 written request, by the State Department of Social  
29 Services, the Department of Justice, or the Franchise Tax  
30 Board for the purpose of monitoring compliance with and  
31 enforcing liability for child or family support.

32 (d) The information disclosed to the state agency  
33 pursuant to this section may be disclosed by the state  
34 agency only as provided in Section 11478.5 of the Welfare  
35 and Institutions Code.

36 (e) No contractor, or any officer, director,  
37 shareholder, partner, member, manager, owner, or  
38 employee thereof, shall be subject to criminal or civil  
39 liability for the release of employee information in the  
40 manner prescribed by this section.

1     *SEC. 4. Section 11478.5 of the Welfare and Institutions*  
2     *Code is amended to read:*

3     11478.5. (a) There is in the Department of Justice the  
4     California Parent Locator Service and Central Registry  
5     ~~which~~ *that* shall collect and disseminate all of the  
6     following, with respect to any parent, putative parent,  
7     spouse, or former spouse:

8         (1) The full and true name of the parent together with  
9         any known aliases.

10        (2) Date and place of birth.

11        (3) Physical description.

12        (4) Social security number.

13        (5) Employment history and earnings.

14        (6) Military status and Veterans Administration or  
15        military service serial number.

16        (7) Last known address, telephone number, and date  
17        thereof.

18        (8) Driver's license number, driving record, and  
19        vehicle registration information.

20        (9) Criminal, licensing, and applicant records and  
21        information.

22        (10) (A) Any additional location, asset, and income  
23        information, including income tax return information  
24        obtained pursuant to Section 19285.1 of the Revenue and  
25        Taxation Code, and the address, telephone number, and  
26        social security information obtained from a public utility  
27        or cable television corporation that may be of assistance  
28        in locating the parent, putative parent, abducting,  
29        concealing, or detaining parent, spouse, or former spouse,  
30        in establishing a parent and child relationship, in  
31        enforcing the child support liability of the absent parent,  
32        or enforcing the spousal support liability of the spouse or  
33        former spouse to the extent required by the state plan  
34        pursuant to Section 11475.2.

35        (B) For purposes of this subdivision "income tax  
36        return information" means all of the following regarding  
37        the taxpayer:

38            (i) Assets.

39            (ii) Credits.

40            (iii) Deductions.

- 1 (iv) Exemptions.
- 2 (v) Identity.
- 3 (vi) Liabilities.
- 4 (vii) Nature, source, and amount of income.
- 5 (viii) Net worth.
- 6 (ix) Payments.
- 7 (x) Receipts.
- 8 (xi) Address.
- 9 (xii) Social security number.

10 (b) To effectuate the purposes of this section, the  
11 Statewide Automated Child Support System, or its  
12 replacement, the California Parent Locator Service and  
13 Central Registry, and the Franchise Tax Board shall  
14 utilize the federal Parent Locator Service to the extent  
15 necessary, and may request and shall receive from all  
16 departments, boards, bureaus, or other agencies of the  
17 state, or any of its political subdivisions, and those entities  
18 shall provide, that assistance and data ~~which~~, *including*  
19 *data with respect to their employees, licensees,*  
20 *contractors, and vendors, that* will enable the State  
21 Department of Social Services, the Department of  
22 Justice, *the Franchise Tax Board*, and other public  
23 agencies to carry out their powers and duties to locate  
24 parents, spouses, and former spouses, and to identify their  
25 assets, to establish parent-child relationships, and to  
26 enforce liability for child or spousal support, and for any  
27 other obligations incurred on behalf of children, and shall  
28 also provide that information to any district attorney in  
29 fulfilling the duties prescribed in Section 270 of the Penal  
30 Code, and in Chapter 8 (commencing with Section 3130)  
31 of Part 2 of Division 8 of the Family Code, relating to  
32 abducted, concealed, or detained children. The State  
33 Department of Social Services' Statewide Automated  
34 Child Support System, or its replacement, shall be  
35 entitled to the same cooperation and information as the  
36 California Parent Locator Service, to the extent allowed  
37 by law. The Statewide Automated Child Support System,  
38 or its replacement, shall be allowed access to criminal  
39 record information only to the extent that access is  
40 allowed by state and federal law.

1 (c) (1) To effectuate the purposes of this section, and  
 2 notwithstanding any other provision of California law,  
 3 regulation, or tariff, and to the extent permitted by  
 4 federal law, the California Parent Locator Service and  
 5 Central Registry and the Statewide Automated Child  
 6 Support System, or its replacement, may request and  
 7 shall receive from public utilities, as defined in Section  
 8 216 of the Public Utilities Code, and cable television  
 9 corporations, as defined in Section 215.5, customer  
 10 service information, including the full name, address,  
 11 telephone number, date of birth, employer name and  
 12 address, and social security number of customers of the  
 13 public utility or the cable television corporation, to the  
 14 extent that this information is stored within the computer  
 15 data base of the public utility or the cable television  
 16 corporation.

17 (2) In order to protect the privacy of utility and cable  
 18 television customers, a request to a public utility or cable  
 19 television corporation for customer service information  
 20 pursuant to this section shall meet the following  
 21 requirements:

22 (A) Be submitted to the public utility or cable  
 23 television corporation in writing, on a transmittal  
 24 document prepared by the California Parent Locator  
 25 Service and Central Registry or the Statewide Automated  
 26 Child Support System, or its replacement, and approved  
 27 by all of the public utilities and cable television  
 28 corporations. The transmittal shall be deemed to be an  
 29 administrative subpoena for customer service  
 30 information.

31 (B) Have the signature of a representative authorized  
 32 by the California Parent Locator Service and Central  
 33 Registry or the Statewide Automated Child Support  
 34 System, or its replacement.

35 (C) Contain at least three of the following data  
 36 elements regarding the person sought:

- 37 (i) First and last name, and middle initial, if known.
- 38 (ii) Social security number.
- 39 (iii) Driver's license number.
- 40 (iv) Birth date.

1 (v) Last known address.

2 (vi) Spouse's name.

3 (D) The California Parent Locator Service and  
4 Central Registry and the Statewide Automated Child  
5 Support System, or its replacement, shall ensure that each  
6 public utility and cable television corporation has at all  
7 times a current list of the names of persons authorized to  
8 request customer service information.

9 (E) The California Statewide Automated Child  
10 Support System, or its replacement, and the California  
11 Parent Locator Service and Central Registry shall ensure  
12 that customer service information supplied by a public  
13 utility or cable television corporation is applicable to the  
14 person who is being sought before releasing the  
15 information pursuant to subdivision (d).

16 (3) The public utility or cable television corporation  
17 may charge a fee to the California Parent Locator Service  
18 and Central Registry or the Statewide Automated Child  
19 Support System, or its replacement, for each search  
20 performed pursuant to this subdivision to cover the actual  
21 costs to the public utility or cable television corporation  
22 for providing this information.

23 (4) No public utility or cable television corporation, or  
24 official or employee thereof, shall be subject to criminal  
25 or civil liability for the release of customer service  
26 information as authorized by this subdivision.

27 (d) Notwithstanding Section 14202 of the Penal Code,  
28 any records established pursuant to this section shall be  
29 disseminated only to the Department of Justice, the  
30 Statewide Automated Child Support System or its  
31 replacement, the California Parent Locator Service and  
32 Central Registry, the parent locator services and central  
33 registries of other states as defined by federal statutes and  
34 regulations, a district attorney of any county in this state,  
35 the federal Parent Locator Service, and official child  
36 support enforcement agencies. The State Department of  
37 Social Services' Statewide Automated Child Support  
38 Enforcement System, or its replacement, shall be allowed  
39 access to criminal offender record information only to the  
40 extent that access is allowed by law.



(e) (1) At no time shall any information received by the California Parent Locator Service and Central Registry or by the Statewide Automated Child Support System, or its replacement, be disclosed to any person, agency, or other entity, other than those persons, agencies, and entities specified pursuant to Section 11478, this section, or any other provision of law.

(2) This subdivision shall not otherwise affect discovery between parties in any action to establish, modify, or enforce child, family, or spousal support, that relates to custody or visitation.

(f) (1) The Department of Justice, in consultation with the State Department of Social Services, shall promulgate rules and regulations to facilitate maximum and efficient use of the California Parent Locator Service and Central Registry.

(2) The State Department of Social Services, the Public Utilities Commission, and the cable television corporations shall develop procedures for obtaining the information described in subdivision (c) from public utilities, and for compensating the public utilities and cable television corporations for providing that information.

(g) The California Parent Locator Service and Central Registry may charge a fee not to exceed eighteen dollars (\$18) for any service it provides pursuant to this section that is not performed or funded pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(h) This section shall be construed in a manner consistent with the other provisions of this article.

*SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million*

1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

3 Notwithstanding Section 17580 of the Government  
4 Code, unless otherwise specified, the provisions of this act  
5 shall become operative on the same date that the act  
6 takes effect pursuant to the California Constitution.

7 ~~the federal Personal Responsibility and Work~~  
8 ~~Opportunity Reconciliation Act (P.L. 104-193), provides~~  
9 ~~for changes in United States Department of Agriculture~~  
10 ~~commodities programs.~~

11 SEC. 2. ~~Chapter 15 (commencing with Section~~  
12 ~~18996) is added to Part 6 of Division 9 of the Welfare and~~  
13 ~~Institutions Code, to read:~~

14  
15 CHAPTER 15. ~~EMERGENCY FOOD ASSISTANCE PROGRAM~~  
16 ~~ADVISORY BOARD~~

17  
18 ~~18996. (a) The Emergency Food Assistance Program~~  
19 ~~(EFAP) Advisory Board is hereby established. The board~~  
20 ~~shall provide advice and assistance in the operation of the~~  
21 ~~EFAP, and shall annually approve and review the state~~  
22 ~~EFAP plan and any subsequent amendments submitted~~  
23 ~~to the United States Department of Agriculture (USDA)~~  
24 ~~by the state. Key components of the plan shall include~~  
25 ~~program and operation, changes in recipient agencies to~~  
26 ~~be served, criteria for determining agency eligibility to~~  
27 ~~receive commodities and administrative funds, and the~~  
28 ~~formulas to allocate food and administrative funds. The~~  
29 ~~board shall provide input to the state on how program~~  
30 ~~resources can be used in the most equitable, efficient, and~~  
31 ~~effective manner.~~

32 ~~(b) The board shall consist of 18 members, 10 to be~~  
33 ~~appointed by the Governor, four to be appointed by the~~  
34 ~~Senate Committee on Rules, and four to be appointed by~~  
35 ~~the Speaker of the Assembly.~~

36 ~~(c) The board shall elect a chairperson at the first~~  
37 ~~meeting of each calendar year. The chairperson shall call~~  
38 ~~and conduct a meeting at least twice each year, and may~~  
39 ~~call other meetings when appropriate.~~

1 ~~(d) Members of the board are not entitled to~~  
2 ~~compensation for services, but are entitled to~~  
3 ~~reimbursement for travel expenses incurred in~~  
4 ~~connection with the performance of duties at the current~~  
5 ~~rates set by the state. Reimbursement shall be made part~~  
6 ~~of the annual EFAP administrative budget allocations.~~

7 ~~(e) The EFAP Department Administrator shall~~  
8 ~~prepare and distribute to the board an annual report that~~  
9 ~~includes a financial statement and reflects allocation of~~  
10 ~~food and financial resources on a county-by-county basis.~~  
11 ~~The annual report shall be provided to the board 90 days~~  
12 ~~following the end of the federal fiscal year.~~

13 ~~(f) The EFAP Department Administrator shall~~  
14 ~~provide to the board a proposed budget detailing how~~  
15 ~~funds will be allocated for food purchases and~~  
16 ~~administrative costs at least 90 days prior to the start of~~  
17 ~~each new federal fiscal year.~~

